

REMARKS / DISCUSSION OF ISSUES

Claims 1 – 11 are pending in the application. Claims 1 and 11 are independent.

In the present amendment, claims 1 – 3 and 5 – 11 are amended. Claim 12 is newly added. No new matter is added.

The Office Action objects to claim 1 because the term “said sets” recited in the claim lacks antecedent basis. In the present amendment, claim 1 is amended to obviate this objection. Withdrawal of the objection to claim 1 is respectfully requested.

35 U.S.C. 102

Under 35 U.S.C. 102(e), the Office Action rejects claims 1 – 11 over Ford et al., (US 7,400,711, hereinafter Ford). Applicants submit that for at least the following reasons, claims 1 – 11 are patentable over Ford.

For example, claim 1, in part, requires:

“acquisition means for acquiring audio and video data.”

Although Ford teaches the monitoring of a telephone conversation (column 5, lines 16 – 18), only audio data is being acquired. There is no video data being acquired in Ford. Ford mentions the use of video-phones and video conferencing (column 6, lines 34 – 37). However, this is just for interjecting not just audio but video and other multimedia advertisements. Applicants submit that Ford does not teach or suggest any means for acquiring of video data. Therefore, Ford fails to disclose the claimed feature: acquisition means for acquiring audio and video data.

In addition, claim 1, in part, also requires:

*“processing means for processing said audio and video data,
said processing means being configured to match said audio and video
data to one of said sets of situational information.”*

Although Ford discloses the monitoring of keywords and matching of keywords with advertisements (column 5, lines 16 – 27; 34 – 42; column 8, lines 13 – 21), only audio data is being processed and only audio data is being matched with the advertisements.

Ford does not teach or suggest any means for processing video data. Nor does Ford disclose the matching of video data to any situation information. Therefore, Ford also fails to disclose the claimed feature: processing means for processing said audio and video data, said processing means being configured to match said audio and video data to one of said sets of situational information.

In view of at least the foregoing, Applicants submit that claim 1 is patentable over Ford.

Similarly, independent claim 11, in part, requires:

*"audio and video data are acquired," and
"where said audio and video data is processed to match said
audio and video data to one of said sets of situational information."*

Applicants essentially repeat the above arguments for claim 1 and apply them to claim 11, pointing out why Ford fails to disclose the above claimed features.

Therefore, claim 11 is patentable over Ford. Claims 2 – 10 are patentable because at least they depend from claim 1, with each claim containing further distinguishing features.

Withdrawal of the rejection of claims 1 – 11 under 35 U.S.C. 102(e) is respectfully requested.

Conclusion

In view of the foregoing, Applicants respectfully request that the Examiner withdraw the objection(s) and/or rejection(s) of record, allow all the pending claims, and find the application in condition for allowance.

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